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Senate Historic Documents Ceremonies

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REMARKS FOR SENATOR MANSFIELD AT SENATE HISTORIC DOCUMENTS CEREMONIES

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It has been said that we are a government of laws not of men. It may be added that we are also a government of paper. The event which draws us together here today is not so much in celebration of that fact as it is a celebration of the survival of a few papers which make government meaningful.

What goes on display here today is but a minute distillation of the millions of documents which have bound this government together since its beginning. Each of these documents was selected for its intrinsic significance. Together, they serve to remind us, out of the profusion of the past, that the process of documentation is what gives permanence and continuity to the institutions of government. The ideas we carry in our heads and the agreements we reach in the give and take of political debate are of no use to the future unless they are accurately recorded and preserved.

The documentary record is of particular interest in the intricate relationship between the Presidency and the Senate. Born of Constitutional compromise, the relationship, especially in the early years, was the object of experimentation and testing. It withstood and survived, of course, and stands today as the evolutionary product of the precedents established over the years.

The Senate's historic document collection comprises the living record of this evolutionary process. These are original documents, signed by the Presidents and in some cases executed entirely in their own hand. The first of them which goes on display today was signed by George Washington more than 181 years ago.

This first Washington document itself provides a significant essay on the need for the intermediary of the written word in the relationship between the Executive and the Senate. It shows how, in the early months of the Republic, the first President conducted an uncomfortable experiment in substituting his personal presence for the more formal transaction of business by paper.

President Washington was acutely aware that his every act and word as the nation's first chief executive would be regarded as precedent for the future. He was particularly concerned about those parts of the Constitution which while clear as to what should be done were not so clear as to how to do it. A notable case in point was Article II, Section 2. It stipulates that the process of making treaties and nominating ambassadors and other high officers should be undertaken "by and with the advice and consent of the Senate."

Washington had to determine, by experiment, the most effective method for giving and receiving such advice and consent. While he was quite firm in his belief that nominations should be transmitted in writing, he apparently felt that the intricacies of treaty-making might justify a face-to-face confrontation with the Senate. Accordingly, he sent the letter which we have here today declaring his intention to meet with the Senate "to advise with them on the terms of the treaty to be negotiated with the Southern Indians."

Historians tell us that it was not a successful confrontation. The process of verbal communication was long and cumbersome, complicated by the competition of street noises from passing carriages. Most important, apparently, was the fact that the presence of the President of the United States on the rostrum of the Senate had an inhibiting effect on Senatorial debate. The treaty was referred to committee, accordingly, where it could be considered in a more relaxed atmosphere. The President departed in what one observer called "a discontented air." He transmitted all subsequent treaty messages in writing and it was 130 years before another President would come to the Senate to discuss a treaty, and that was the occasion of the submission of the Treaty of Versailles by Woodrow Wilson.

The failure of that first effort at personal representation by President Washington set the stage for our being here today. For it led to the practice of conducting all subsequent advice and consent transactions on paper and it thereby assured the Senate of this unique collection of documents.

Fortunately for us today, one man had the historical perspective and good sense to recognize the worth of these papers nearly 100 years ago while the earliest files of the Senate were still intact. That was the then Secretary of the Senate, Anson G. McCook, who in 1885 began to assemble and preserve the collection. I am very pleased to note that Secretary McCook's daughter, Mrs. Katharine McCook Knox, is able to be here with us today to help celebrate the opening of this display.

Thanks to the foresight of Secretary McCook and those who followed him, the Senate collection now contains several hundred documents, each of which marks a significant step in the relationship between the Senate and the Presidency. The Senate Commission on Art and Antiquities intends to place the collection on rotating display as part of a continuing effort to promote understanding of the rich heritage of this branch of the federal legislature. We invite your attention to the display and hope you will find it a source of interest and, above all, a reminder of the human dimension which lies behind the affairs of state.